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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE 1479th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 August 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Seventh to ninth periodic reports of Sri Lanka (continued) (CERD/C/357/Add.3; HRI/CORE/1/Add.48; supplementary information note, document without a symbol distributed at the meeting)

1. At the invitation of the Chairman, the members of the delegation of Sri Lanka resumed their places at the Committee table.

2. Mr. KARIYAWASAM (Sri Lanka), replying to members' questions, reviewed the history since 1987 of the conflict between successive Governments and the Liberation Tigers of Tamil Eelam (LTTE). Throughout, the Government had been committed to a peaceful solution, but the hopes raised by the new 1994 Government's offer of unconditional talks and the subsequent agreements for the cessation of hostilities had been dashed as the LTTE repeatedly renewed hostilities in the north and east of the country and continued its terrorist attacks on Buddhist temples, Muslim mosques and innocent Sinhalese and Muslim villagers, and its assassination of elected political leaders, including those from Tamil political parties, in the process inflicting incalculable damage on public and private property. The Government had put forward proposals for democratic devolution of power to the regions, and in 2000, contacts had been relaunched upon Norway's offer to act as facilitator. Despite a self-proclaimed ceasefire made through the press by the LTTE at the end of that year, the Government, mindful of past experience, had maintained its position that talks had to precede a ceasefire. In June 2001, talks had resumed with Norwegian mediation. Sporadic LTTE attacks had continued, but the hope was that its leadership would abandon the military solution and join in a political settlement that respected the sovereignty and territorial integrity of Sri Lanka and addressed the real problems of the Tamil people.

3. Mr. DE SILVA (Sri Lanka) said that the Human Rights Commission set up in 1997 comprised five members who must by law include minority representation. Currently, two of the five belonged to minority communities. Its functions were to investigate complaints that public administrative procedures violated constitutional guarantees of fundamental rights and to investigate and resolve complaints regarding the infringement of fundamental rights; to advise the Government on the formulation of legislation and administrative regulations from the human rights perspective; to recommend action by the Government to bring domestic laws and practices into line with international human rights norms; and to make recommendations to the Government regarding accession to human rights instruments and the provision of human rights education. In respect of complaints, the Human Rights Commission was not bound by the time limits and procedural formalities applicable to the courts in their investigations of human rights violations.

4. Regarding the implementation of article 4 of the Convention, the report (para. 49) outlined the provisions of the Prevention of Terrorism Act under which persons inciting to racial hatred or racial violence were punishable. The term "person" in section 25 of the Act included

corporate bodies and other organizations, whose directors or managers would then be liable for offences. Again, in section 290 of the Penal Code (report, para. 50) the term "person" covered also any association or organization.

5. Regarding allegations by non-governmental organizations (NGOs) that law enforcement officers had committed torture and rape, for which they had enjoyed a degree of impunity, there had admittedly been instances of such offences, but the Government categorically denied the allegation of impunity. The State had taken the legal measures outlined in the supplementary information note circulated to Committee members. It had appointed three Zonal Commissions of Inquiry to investigate disappearances between 1988 and 1990: in the 28,000 cases uncovered, the perpetrators had been identified in over 1,600 cases and the Zonal Commissions had recommended their prosecution. At the same time, a Disappearance Investigation Unit had been set up at the recommendation of the Commissions within the Police Department to investigate cases of disappearance, as well as a Missing Persons Commission Unit within the Attorney-General's Department to monitor the Police Department Unit's investigations and determine whether criminal prosecutions should be instituted. Evidence in approximately 1,500 cases thus far had led to criminal action against about 600 police officers and armed forces personnel. Almost 17,000 of the cases being considered by the two Units involved Sinhalese persons who had disappeared during a Marxist insurrection in non-Tamil areas, arguing against the assertion that police brutality was directed only against the minority communities. The Police Department was currently investigating 150 cases of disappearances of Tamils from the Northern Province, which would be forwarded to the Attorney-General's Department by the end of the year. In addition, the Attorney-General's Department had brought 8 indictments before the High Court in cases involving torture and 10 other cases were being considered; while the Police Department was also conducting investigations into a number of torture cases.

6. Details on the role and functions of human rights institutions in the country could be found in the supplementary information note. Regarding possible criminal court proceedings for human rights violations, article 10 of the proposed new Constitution guaranteed the right of a person indicted for an offence to have the case tried without undue delay in a fair trial by a competent court. Fundamental rights were justiciable. The Supreme Court had the power to declare that the action of a court exercising original criminal jurisdiction had violated the rights of an accused person, in which case not the presiding judge but the State could be ordered to pay any compensation involved.

7. Although normally no statement by a suspect to a police officer was admissible as evidence in court, the Prevention of Terrorism Act made an exception for confessions recorded by police officers of the highest rank, and such statements made in the Tamil language were always translated by a certified translator to the recording officer.

8. An investigation by the Criminal Investigations Department into the recent killing of 27 persons at a rehabilitation centre had been ordered within a few hours of the incident by the Police Department, and a special unit headed by the Solicitor-General had been appointed to monitor the investigations. A senior Attorney-General's Department counsel had also visited the scene and given instructions about the conduct of the investigation, as had other examining officials. Within seven months of the incident, the Attorney-General, in a special trial procedure, had forwarded indictments against 41 suspects, 10 of whom were police officers.

9. Mr. KEERAWELLA (Sri Lanka) said that the Government's ethnic affairs policy was administered by the Ministry of Ethnic Affairs and National Integration, formerly a division of the Ministry of Justice but in 2000 made a separate ministry. The ethnic policy addressed the nature of the relations of ethnic groups with each other, with the State and with its various institutions; it aimed at ethnic harmony and national reconciliation, in keeping with the new vision of nationhood involving all ethnic groups on the basis of equality and partnership. The Ministry's programme of work for 2000, made available to the Committee, included a broad range of programmes in areas such as north-south exchanges, youth camps, confidence-building missions, early-warning mechanisms, the mobilization and financing of NGOs active in conflict-ridden areas, human rights education and the promotion of national integration. Proposed new constitutional provisions would ensure the participation of all ethnic communities in decision-making, and included power-sharing through devolution of power, the reconstruction of the north and the east and the revitalization of democracy there. The Government was ready to enter into political dialogue with representatives of all ethnic groups, within the framework of the territorial integrity of the nation. There had been an extensive public debate on those constitutional reforms, proposed to Parliament in 1994, and it would be a means to achieve consensus.

10. Regarding the Government's language policy, Sinhala and Tamil, as indicated in the report (para. 24) were the official languages, with English as the link language. The Official Languages Commission (report, para. 28) established in 1991 ensured implementation of the language law, and since 1994 responsibility for implementing the official languages policy was assigned to the ministries, government departments and provincial councils. The Ministry of Ethnic Affairs and National Integration had taken steps to create a bilingual civil service by providing language courses to government officials and hiring secretarial staff conversant in Tamil and, at the district level, setting up language implementation units to monitor the implementation of the policy. At the same time, steps were being taken to teach both languages in the schools, with the hiring of 5,000 teachers trained for the purpose.

11. The Sudu Nelum (White Lotus) Movement (report, paras. 39-42) sought to promote peace and multiculturalism through a number of programmes involving public participation, such as the collective reconstruction of the national public library, and relied also on the arts, especially street drama, to promote ethnic harmony and the new national vision.

12. The Ministry of Education operated three types of school, Sinhalese medium schools, Tamil-medium schools and mixed schools in which Sinhalese and Tamil students followed the same curriculum separately under a common administration, with courses taught in one of the three official languages. Education was regarded as an important aspect of the national integration drive. The Government had therefore set up a group of experts in the National Institute of Education to review textbooks and ensure that they included ideas on national integration and ethnic harmony. It had introduced courses on those subjects in teacher-training colleges, where both national languages were taught, established in-service training programmes for science teachers in those subjects, and set up programmes for students on peace and conflict-resolution in every school. The Ministry of Ethnic Affairs and National Integration constantly reviewed textbooks to detect any bias in the teaching of history and to ensure that the many examples in Sri Lankan history of ethnic harmony and peaceful interaction were being taught.

13. As to the meaning of the terms "unity", "diversity" and "national identity", the Government's ethnic affairs policy was based on the idea of national unity stemming from Sri Lankan identity made up of a number of collective identities, the crux of the policy being that unity could be achieved only by accepting and sustaining diversity. Sri Lankan identity was a territorially-based judicial and political concept recognizing the existence of different ethnic identities integrated on the basis of equality and partnership. The classification of the various ethnic identities in the report (para. 3) had developed over time. For example, the Indian Tamils living in the plantation areas had a distinct culture and historical experiences and, since they saw themselves as separate, the distinction had to be honoured. Similarly, the Muslims, formerly referred as Sri Lankan Moors or Malays, were a Tamil-speaking ethnic group with a distinct culture who wished to be called Muslims. The category of "others" included Burghers, Parsis, Veddhas and other communities whose collective identities had evolved over time and were a social fact. Members of the various communities had, of course, sometimes voluntarily integrated into other communities.

14. Mr. KARIYAWASAM (Sri Lanka) emphasized that issues related to the plantation sector and indigenous people had been dealt with in separate annexes in order to underline the special attention given to them and not as a reflection of their marginal treatment. Both groups had benefited from positive affirmative action by successive Governments.

15. In 1998, the Government had assured the Veddhas that they had the freedom to collect fruits and forest produce and worship within their traditional hunting grounds. To that end they had been issued with special identity cards allowing freedom of movement. Action had also been taken to improve village school facilities for Veddhas.

16. Paragraphs 48 to 68 of the annex and paragraphs 92 to 97 of the report (CERD/C/357/Add.3) set out the history of plantation workers and explained the position with regard to their citizenship. Repatriation to India had been voluntary. Only 80 per cent of "Indian Tamils" were still working in the plantation sector and some people from that group were now working in the medical, engineering, teaching and other professions. Elected representatives of the community, who mainly lived in the Central Province, were part of the governing coalition.

17. The majority of the more than 1 million Sri Lankan expatriates lived and worked in the Middle East as labourers and domestic workers without right of residence. Some 200,000 Sri Lankans had gone to North America, Europe and Australia as refugees or asylum-seekers. Although most of their applications for asylum had been rejected by the authorities, they did not wish to return, since they had initially sought asylum for economic reasons. Nevertheless all those persons were free to go back to Sri Lanka without any let or hindrance and, on their return, would be helped to reintegrate in society. Only those who had used forged travel documents or taken part in criminal or terrorist activities - and they hailed from all communities - would be detained for investigation or criminal proceedings.

18. As in all democratic countries, the media in Sri Lanka were controlled by their owners. Although one group of newspapers was Government-owned, all the papers in that group enjoyed editorial independence. Several other English, Sinhala or Tamil newspapers were privately owned. Restrictions placed in the past on the publication of news about military matters had

been lifted a few months earlier. Private radio and television channels could broadcast their news and programmes without any curbs from the Government. The Sunday Leader had been closed for a few weeks because it had refused to comply with the Emergency Regulations in force at the time. Neither the Emergency Regulations nor press censorship were in force any more.

19. The security forces in Sri Lanka could recruit young persons only if they were over 18. It was, however, common knowledge that the LTTE mobilized children and teenage girls as combatants and cannon-fodder.

20. It was untrue to say that the majority Sinhalese did not recognize the rights of the Tamils in the north and east. The Foreign Minister, himself a Tamil, had strongly denied that allegation and, on her election, the President had said that she extended a hand of friendship to the people of the north-east. Sri Lanka was a multi-ethnic country where, in many areas, communities respected each other and lived side by side. The allegation that the Government had deliberately engineered demographic changes in the north and east of the country was false. The Government-sponsored land schemes in the Eastern Province had involved all communities and, since the Sinhalese were in the majority, the number of Sinhalese settled in those areas had naturally been higher. There was no design to change the demography of any region. For several hundred years, ethnic communities had moved about the island for economic reasons and no area could be considered to be the exclusive habitat of a particular ethnic group. Nor was it true that Tamils were given special identity cards. All Sri Lankans were issued with the same identity card by the Registration of Persons Department.

21. Mr. YUTZIS asked for more information about the theoretical basis of the Sudu Nelam (White Lotus) Movement and further clarification regarding the application of article 4 of the Convention.

22. Mr. KEERAWELLA (Sri Lanka) explained that the Sudu Nelam Movement had been established with a view to promoting a new vision of Sri Lankan nationhood. In Sri Lanka there were two levels of collective identity, with the political and judicial identity resting on territory and a socio-cultural identity based on ethnicity. All citizens were Sri Lankans but at the same time they belonged to the Sinhalese, Tamil, Muslim or other ethnic groups. National integration policy accordingly promoted two sets of value systems, one aimed at preserving the cultural traits of each group and the other at furthering the principle of one people, one country, in other words an overarching national identity. Educational and public awareness programmes brought home the message that multi-ethnicity was the basic principle of national integration and ethnic affairs policy.

23. Mr. DE SILVA (Sri Lanka), answering the question about Sri Lanka's compliance with article 4 of the Convention, said that two provisions of statutory law were pertinent in that respect. Under the Prevention of Terrorism Act, any person who in any way caused racial or communal disharmony committed an offence covered by section 2 of the Act, which applied to individuals and bodies whether incorporated or not. A director or officer of a corporate body could therefore be held liable for the commission of such an offence and prosecuted under the

Act. The definition of "person" in the Penal Code included any association or body of persons, whether incorporated or not; accordingly, if a place of worship were damaged or defiled, members of the body responsible would incur criminal liability.

24. Mr. THORNBERRY said that he assumed from Mr. Keerawella's remarks that a distinction was drawn between assimilation and integration. An ironic statement had once been made that the past was always unpredictable. For that reason, the teaching of history could be controversial. It was to be hoped that the committee which was to examine ethnic bias in textbooks would include members of communities affected by prejudice, as that would help to sharpen the perception of such bias. Similarly, representatives of minority communities should participate in the scholarly academy which was to review school books.

25. Mr. de GOUTTES, commending the comprehensive account of the peace process and expressing hope that the Government's efforts would be successful, requested further clarification of the position regarding the issue of special identity cards to Tamils and the restriction of their movements. Was it true that many plantation workers were still stateless, as had been claimed by the International Movement Against All Forms of Discrimination and Racism (IMADR)?

26. Mr. KARIYAWASAM (Sri Lanka) said that the plantation workers were referred to variously as "Tamils of recent Indian origin", "Indian Tamils" or "Plantation Tamils", but they all belonged to a group of people who had arrived in Sri Lanka in the recent past. Paragraphs 92 to 96 of the report provided a detailed description of the status of that group, as did Annex II to the report. The question pertained to 84,000 persons with Indian citizenship who were unable or unwilling to return to India. Their descendents did, however, have a problem if their parents had died, they themselves had no Indian passport and they had been born in Sri Lanka. The number of persons in that category was unknown, but it was believed to be small. It was expected that the issue would be resolved when the new Constitution was adopted. Any other residual matters had been cleared up by legislation in 1988. All those who did not opt for Indian nationality were given Sri Lankan citizenship.

27. Special identity cards could be issued for security reasons, but on the basis of locality and not of ethnicity. It was a local decision and had nothing to do with national policy, which was that there should be one sort of identity card for all Sri Lankans. The security situation and attacks by suicide bombers had indeed led to limitations being placed on movement between the north and the south of the island. The Government was doing its best to ease the restrictions for all citizens, especially for Tamils in the north.

28. Mr. TANG Chengyuan (Country Rapporteur) said that the dialogue with the delegation had helped the Committee to gain a better understanding of the implementation of the Convention in Sri Lanka. The delegation's attitude had been very positive and much detailed information had been provided. The Government was obviously striving to overcome the tribulations entailed by the war with the LTTE. Despite the difficult circumstances, government departments and law enforcement personnel must comply with the Convention. It had emerged that the long war had resulted in a certain disregard of human rights policy by the lower ranks of the police and army. At the same time, the LTTE had violated provisions of the Convention. The report described the Government's attempts to investigate the large number of cases of

missing persons, to give lower ranking army and police officers human rights training and to prosecute officers guilty of breaches of human rights. Those moves signified an improvement in the situation.

29. Similarly, it seemed that hopes for peace were growing thanks to the efforts of the Government and President. The contribution made by several countries, first and foremost Norway, which was acting as a facilitator between the parties, deserved recognition. A peaceful solution to the conflict would benefit all ethnic communities on the island and held the key to prosperity.

30. The report highlighted the Government's struggle to achieve national reconciliation. It clearly attached great importance to bilingual education and education in human rights for the general public. The Committee had found the Government's endeavours to create a multicultural and multi-ethnic environment most encouraging. The Committee trusted that the fruitful dialogue would assist the Government in its efforts to comply with the Convention.

31. The CHAIRMAN endorsed the Country Rapporteur's comments, particularly the hope for an early peace in Sri Lanka and a corresponding growth in respect for the rights of all ethnic groups. The Committee looked forward to further frank and fruitful dialogue with the State party. He informed the delegation that when the Committee adopted its concluding observations on the report of Sri Lanka, members of the delegation were entitled to be present, in an observer capacity only.

32. Mr. KARIYAWASAM (Sri Lanka) said his delegation appreciated the Committee's welcome and the opportunity to address it. His country had long been used to exchanging experience with others, and valued all advice; it depended on the international community's support. He expressed special thanks to the Country Rapporteur, and looked forward to the Committee's concluding observations.

33. The delegation of Sri Lanka withdrew.

Draft concluding observations concerning the eleventh to fourteenth periodic reports of Trinidad and Tobago (continued) (CERD/C/59/Misc.14/Rev.3)

34. The CHAIRMAN recalled that the Committee had requested the Country Rapporteur to examine the wording contained in the concluding observations adopted at the fifty-eighth session with regard to the phraseology relating to article 14 and the decisions it had taken about submission of subsequent periodic reports.

35. Mr. ABOUL-NASR repeated the request he had made during earlier discussions relating to article 14, to the effect that the word "optional" should be added before "declaration" in requests to States parties to consider making the declaration provided for in that article. He also felt, although he did not press the point, that States parties should be requested to "reconsider", not "consider", the possibility of making such a declaration.

36. Mr. PILLAI (Country Rapporteur) drew attention to the text of the standard paragraph contained in the concluding observations adopted at its previous session, in respect of States parties that had not made the declaration provided for in article 14. He could see no objection to the addition of the word "optional" in the concluding observations relating to current and subsequent reports, if the Committee so agreed.

37. Mr. ABOUL-NASR further recalled his request that the Committee should review its approach to the concluding observations it adopted with regard to article 14 - for example, to reflect States parties' complaints in the text.

38. Mr. BOSSUYT said he saw no objection to including the word "optional". He had reservations, however, about replacing "consider" by "reconsider", since the former would seem the more appropriate in addressing a State party that had not yet made the declaration in question. Likewise, the Committee's general approach would depend on the nature of the State party's communications.

39. Mr. de GOUTTES said that the very fact that a State party had not made the declaration provided for under article 14 showed that the declaration was optional. He agreed with Mr. Bossuyt about the word "reconsider", although he would have no objection to its use. One difficulty was that, if new wording was to appear in the concluding observations adopted at the current session, there would be an inconsistency between them and those adopted at the fifty-eighth session, appearing in the same report submitted to the General Assembly.

40. Mr. ABOUL-NASR said he did not agree with Mr. Bossuyt's interpretation of the use of "reconsider", pointing out that Western Member States that had originally voted, in the General Assembly, against the idea of the declaration had subsequently reconsidered their position. He did not insist, however, on replacing the word "consider".

41. The CHAIRMAN said he took it that the only amendment to be considered by the Committee was, in fact, the addition of the word "optional", to which there was apparently no objection. The question, however, was whether the wording used accordingly in concluding observations adopted at the current session was to be consistent with the text of those adopted at the previous session.

42. Mr. DIACONU proposed that, since the question did not relate to a matter of substance, the amendment now being considered, if adopted, should be incorporated in the relevant parts of the concluding observations adopted at the previous session, for the sake of a uniform presentation in the Committee's report on the year's work.

43. The CHAIRMAN said he took it that the Committee decided accordingly.

44. It was so decided.

45. Mr. PILLAI (Country Rapporteur) said that the final paragraph had been amended to read:

"The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 3 November 2004".

46. The draft concluding observations concerning the eleventh to fourteenth periodic reports of Trinidad and Tobago as a whole, as amended, were adopted.

Draft concluding observations concerning the twelfth and thirteenth periodic reports of Italy (CERD/C/59/Misc.13/Rev.2)

47. Mr. BOSSUYT (Country Rapporteur) said that the draft concluding observations incorporated various suggestions made by members of the Committee.

Paragraphs 1 and 2

48. Paragraphs 1 and 2 were adopted.

Paragraph 3

49. Mr. THORNBERRY proposed, in addition to minor drafting changes, the deletion of the words "and complete" before "information".

50. Paragraph 3, as amended, was adopted.

Paragraphs 4 to 6

51. Paragraphs 4 to 6 were adopted.

Paragraph 7

52. Mr. BOSSUYT (Country Rapporteur), replying to a question by Mr. ABOUL-NASR, said that the Testo Unico included only Italian legislation and did not refer, for example, to European Union law and directives.

53. Paragraph 7 was adopted.

Paragraphs 8 to 10

54. Paragraphs 8 to 10 were adopted.

Paragraph 11

55. Mr. ABOUL-NASR asked what was meant by "regularly residing".

56. Mr. BOSSUYT (Country Rapporteur) explained said that some States made a distinction between "legally" and "regularly"; the former applied to persons who were legally entitled to be

present in the territory of the State whereas the latter referred to those who were not only legally entitled to be present but had also completed any necessary administrative procedures to register their status officially with the civil administration.

57. Mr. RESHETOV stressed that it was important for the law enforcement authorities to adopt a more positive attitude towards illegal immigrants; he suggested that, at the end of the paragraph, the words "within law enforcement authorities" should be replaced by "with respect to them on the part of the law enforcement authorities".

58. In reply to a question by Mr. ABOUL-NASR about the reference to the "specific shape" of Italy, Mr. BOSSUYT (Country Rapporteur) said that the reference was to the country's long coastline, which made it difficult to control illegal immigration.

59. Following editorial suggestions by Mr. PILLAI and Mr. THORNBERRY, he proposed that, for greater clarity, the paragraph should begin with the words "The Committee notes" and that a full stop should be inserted after the words "total population". The next sentence would begin with "In view of". He further endorsed the amendment proposed by Mr. Reshetov.

60. Paragraph 11, as amended, was adopted.

Paragraph 12

61. Mr. ABOUL-NASR said he preferred wording stronger than "reiterates its encouragements".

62. Mr. RESHETOV said that the recognition of minorities was a sensitive issue and he felt on the contrary that the language should be softened by replacing "to recognize, without delay", by "to consider recognition of".

63. Mr. THORNBERRY, supported by Mr. BOSSUYT (Country Rapporteur), agreed with the revision suggested by Mr. Reshetov and also said that the word "encouragements" should be in the singular.

64. Paragraph 12, as amended, was adopted.

Paragraph 13

65. Paragraph 13 was adopted with a minor drafting change.

Paragraphs 14 and 15

66. Paragraphs 14 and 15 were adopted.

Paragraph 16

67. Mr. ABOUL-NASR said he wondered whether racist incidents during football games were unique to Italy and whether the incidents in question were sufficiently serious to warrant inclusion in the Committee's concluding observations.

68. Mr. THORNBERRY observed that racist factions did in fact exist amongst the supporters of certain clubs.

69. The CHAIRMAN also asked whether the problem was significantly greater in Italy.

70. Mr. de GOUTTES, supported by Mr. FALL, said that, while the problem was not exclusive to Italy, it was a serious one and should be mentioned; he suggested that the words "in particular those" should be inserted following the words "incidents of this nature" in the third line of the English text.

71. The CHAIRMAN suggested that the word "particularly" at the beginning of the third line should consequently be deleted, to avoid repetition.

72. Mr. PILLAI suggested that the words "to maintain a firm policy towards" should be replaced by the words "take firm action against".

73. Mr. BOSSUYT (Country Rapporteur) said that was unnecessary since the text already recognized the efforts made by the State party in that regard and was urging it to persevere in that policy.

74. Paragraph 16, as amended, was adopted.

Paragraph 17

75. Paragraph 17 was adopted.

Paragraph 18

76. Mr. BOSSUYT (Country Rapporteur) said that, in the second line, the word "very" should be deleted.

77. Mr. THORNBERRY said that, in the fifth line, the word "the" before "peaceful coexistence" should be deleted.

78. Paragraph 18, as amended, was adopted.

Paragraph 19

79. Mr. ABOUL-NASR said he felt the paragraph gave too much importance to the problem posed by immigration while not recognizing the value of and need for immigration, as was in fact acknowledged by States.

80. Mr. BOSSUYT (Country Rapporteur) said that it was illegal immigration that posed a problem although he would not be opposed to adding some mention of the fact that immigration in itself was not a problem.

81. Mr. THORNBERRY expressed regret in that connection that the wording of paragraph 8 seemed to link foreigners, criminality and illegal immigration.

82. Mr. FALL agreed that paragraph 8 as well as paragraph 19 seemed to place undue emphasis on the problems posed by immigration.

83. Mr. BOSSUYT (Country Rapporteur) recalled that the report of the State party had itself stressed the problems posed by high levels of illegal employment and it was justifiable to recognize that concern. The language of the first sentence also reflected concerns expressed by the Committee with regard to the contribution of illegal immigration to exploitation of immigrants and xenophobia.

84. Mr. ABOUL-NASR said he still had doubts about the language of the paragraph and suggested deleting the words "Recognizing the important pressure of illegal migration to which the State party is exposed" at the beginning of the paragraph and the second sentence altogether.

85. Mr. de GOUTTES, supported by Mr. DIACONU, agreed to the deletion of the first part of the first sentence but not the second sentence as it was important to refer to the need to protect foreign workers from exploitation.

86. Mr. FALL concurred with those comments, recalling that the Committee had expressed concern about the lack of sanctions against those who employed illegal foreigners.

87. Mr. ABOUL-NASR said that he could agree to retain the second sentence.

88. Paragraph 19, as amended, was adopted.

Paragraphs 20 to 23

89. Paragraphs 20 to 23 were adopted with minor drafting changes.

90. The draft concluding observations concerning the twelfth and thirteenth periodic reports of Italy as a whole, as amended, were adopted.

The meeting rose at 1 p.m.